

DISTRICT ATTORNEY

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CYRUS R. VANCE, JR.

DISTRICT ATTORNEY

March 22, 2016

VIA ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Alberto v. Morales, et al.*

15 cv 9449

Dear Judge Nathan:

I am an Assistant District Attorney in the Special Litigation Bureau of the New York County District Attorney's Office ("DANY") and I represent District Attorney Cyrus R. Vance, Jr., Assistant District Attorneys Fionnuala O'Doherty and Mireille Dee and DANY, defendants in the above-captioned matter. I am writing in regards to the initial pretrial conference scheduled by the Court and the assignment of this case to a mediator under the 1983 Plan. As the Court may be aware, on March 15, 2016 I filed and served a motion seeking dismissal of all claims against my clients, which, if granted, would result in their removal from this case. Under the 1983 Plan, a motion to dismiss by any defendant automatically stays discovery with respect that defendant. *See*, 83.10 §(3) ["If any defendant moves to dismiss the entire complaint rather than filing an answer, the deadlines in this Rule shall be stayed unless the Court orders otherwise."]

Accordingly, I am not planning to participate in discovery or in the mediation, unless the Court interprets the Plan otherwise in which case I respectfully request the opportunity to formally move for a stay.

Thank you for your consideration.

Sincerely,

Susan C. Roque
Assistant District Attorney
Special Litigation Bureau
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